

Adjournment.

On motion of Senator Woodward, the Senate, at 10:01 o'clock a. m., adjourned until Monday morning at 10 o'clock.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 15 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 20, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 49, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925 as amended by the Acts of the Forty-first Legislature, Regular Session, Chapter 112, page 256, as further amended by the acts of the Forty-second Legislature, Regular Session, Chapter 123, page 235, of the Special Laws of said Forty-second Legislature; providing that said article as so amended shall also apply to any county having a population of seventy-five thousand (75,000) inhabitants of more, according to the last preceding Federal census and each succeeding Federal census thereafter, which has voted road and bridge bonds amounting to six million dollars (\$6,000,000.00) or more and flood protection bonds amounting to one million dollars (\$1,000,000.00) or more, where there is no district attorney and having two or more district courts, and in which the county attorney acts as district

attorney, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
September 21, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard. Stevenson.

Prayer by the Rev. A. W. Jones of Llano.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions

By Senator DeBerry:

S. B. No. 26, A bill to be entitled "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 8400 and not more than 8600 population,

according to the last preceding Federal census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senators Poage and DeBerry:

S. B. No. 27, A bill to be entitled "An Act amending Chapter 237 of the General Laws as passed by the Fortieth Legislature of Texas at its Regular Session, and fixing the salaries of the judges of the Supreme Court, of the Court of Criminal Appeals, of the Commissions of Appeals, judges of the Court of Civil Appeals, of the judges of the District Courts; repealing all laws in conflict; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Poage and DeBerry:

S. B. No. 28, A bill to be entitled "An Act amending Senate Bill No. 17, Chap. 95, Acts of the Regular Session of the Forty-second Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of judges, and the support and maintenance of the judicial department of the State government for the two year period, beginning Sept. 1, 1931, and ending Aug. 31, 1933; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Poage and DeBerry:

S. B. No. 29, A bill to be entitled "An Act establishing, promulgating and fixing the salaries of public officers, deputies, judges, clerks and employees and assistants in the employ of the State Government, and various departments thereof; declaring the policy of the State, and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Poage and DeBerry:

S. B. No. 30, A bill to be entitled "An Act amending S. B. No. 246, Chapt. 285, by readjusting, reducing and reapportioning appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years, be-

ginning Sept. 1, 1931, and ending August 31, 1933, as follows to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Confederate Home; Confederate Woman's Home; Dallas State Hospital; Deaf, Dumb and Blind Institute for Colored Youths; Girls' Training School; Home of Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphan Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Colored Orphans Home at Gilmer; Alabama and Coushatti Indians in Polk County, Texas; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Poage and DeBerry:

S. B. No. 31, A bill to be entitled "An Act amending S. B. No. 259, Chapter 286, Acts of the Regular Session of the Forty-second Legislature, the same being an Act making appropriation for the support and maintenance of the State Government for the two year period beginning Sept. 1, 1931, and for other purposes; and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Poage and DeBerry:

S. B. No. 32, A bill to be entitled "An Act amending H. B. No. 508, Chapt. 284, Act of the Regular Session of the Forty-second Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas; The State Agricultural Experiment Station System; The Extension Service and Rodent Control Service; Texas Department of Forestry; North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; The University of Texas, including the Extra

Murals Divisions and the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; Texas School for the Blind and Texas School for the Deaf; for the years beginning September 1, 1931, and ending August 31, 1933, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Finance.

Senators Excused.

The following senators were excused for the day on account of important business:

Senator Stevenson, on motion of Senator Martin.

Senator Woodruff, on motion of Senator Poage.

Senator Pollard, on motion of Senator Woodul.

Simple Resolution No. 15.

Senator Purl sent up the following resolution:

Be It Resolved by the Senate of Texas, That the State Comptroller of Public Accounts and the State Treasurer be hereby directed to immediately advise the Senate of the balance, or deficit, to the credit of the State Revenue Fund as shown by their books as of August 31, 1931; and that the State Highway Department and the State Treasurer are hereby directed to advise the Senate of the balance or deficit to the credit of the State Highway Fund as of August 31st, 1931, respectively.

PURL.

Read and adopted.

Bills Signed.

The Chair, Lieutenant Governor Edgar Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 27. H. B. No. 39.
H. B. No. 30. H. B. No. 35.

Message From the House.

Hall of the House of Representatives, Austin, Texas, Sept. 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 6, Petitioning the War Department to retain certain army posts in Texas.

The House has postponed indefinitely, by a vote of 63 yeas and 47 nays, S. C. R. No. 5, In regard to certain statements made by Governor Huey P. Long.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, Sept. 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 22, A bill to be entitled "An Act to amend Section 28, Chapter 16, of the General Laws passed by the Thirty-ninth Legislature, at its First Called Session, by adding thereto two new sections, known as Section 16-A and Section 16-B; providing that where any road district includes within its limits portions of a previously created road district, subdivision or precinct, having road bond debts outstanding, the newly created road district may issue bonds for the purchase of roads within the previous created district, subdivision or precinct, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, Sept. 21, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 35 by a vote of 101 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 16.

Senator DeBerry sent up the following resolution:

Whereas, This Senate has heretofore gone on record without a dissenting vote, asking that the Governor submit the budget for the purpose of reducing salaries and effecting other economies;

And whereas, It has been reported that 17 Senators have formally requested the Governor not to submit any other subjects;

And whereas, It is generally understood that the Governor has expressed his willingness to submit the Appropriation bills for the purpose of reducing expenses and salaries, in the event this is desired by two-thirds of the membership of both Houses;

And whereas, the House of Representatives has already by such majority expressed its willingness to effect such reduction;

And whereas, the Governor is reported as being in doubt as to the Senate's real sentiment on this subject.

Therefore, be it resolved, in order that there may be no doubt in the minds of the Governor or of the people of Texas of the desire of the members of this Senate to reduce expenses of State Government and of reducing salaries and other expenditures;

That the Senate of Texas do here and now re-affirm by record vote its willingness and desire to effect these reductions and that the Governor be so notified.

POAGE,
DeBERRY.

The resolution was read and adopted by the following vote:

Yeas—15.

Berkeley.	Oneal.
Cunningham.	Parrish.
DeBerry.	Poage.
Hardin.	Purl.
Hornsby.	Russek.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—13.

Cousins.	Hopkins.
Gainer.	Martin.
Greer.	Parr.
Holbrook.	Patton.

Rawlings.
Small.
Thomason.

Williamson.
Woodul.

Absent.

Beck.
Pollard.

Stevenson.

Reason for Vote.

I vote "nay" on Senate Simple Resolution No. 16, and in doing so am in favor of reducing the appropriation bill passed during the Regular Session of this Legislature. But to open up the matter at this Called Session is exclusively within the province of the Governor. The duty and responsibility rests on him and if in his wisdom the subject is submitted I will vote for a substantial reduction.

HOLBROOK.

Reason for Vote.

I vote "nay" on Senate Simple Resolution No. 19 for the reason that the resolution is untimely in this, viz. That the Governor of Texas has the duty and prerogative only to submit subject matter to a Called Session of the Legislature. If he believes the subject should be submitted then he should so do without further argument and not attempt to place the burden upon this body. A graduated salary reduction can be had but so to do will require a continuance of this Session for perhaps an additional thirty or sixty days at a cost of approximately five thousand dollars per day. The Governor and not the members of the Senate should make the decision as to whether or not this additional expense is justified. A Governor should not invade the province of the legislature and it likewise, as is the case here should not attempt to interfere with the prerogatives of the Governor.

HOPKINS.

S. C. R. No. 10.

Senator Moore sent up the following resolution:

Whereas, the citizens of this State are being taxed millions of dollars annually for the construction and maintenance of roads and highways; and

Whereas, State and county authorities have substituted machinery,

motor vehicles and other mechanical labor-saving devices for manual labor and horsepower in the construction of highways, with the effect of greatly reducing the number of jobs; and

Whereas, the general use of men and teams in road and highway work, rather than machinery, will create work for thousands of additional men and will materially relieve the present economic stress in this State;

Now, Therefore, Be It Resolved by the Senate, the House of Representatives concurring, that it is hereby declared to be the policy of the State in road and highway construction and maintenance to eliminate the use of all machinery and other mechanical labor-saving devices whenever possible, and to use in its stead manual labor and teams so as to create as many jobs for unemployed citizens of this State as possible. The State Highway Commission is hereby called upon to respect and carry out this policy in all of its construction programs, and to require of road contractors and others doing work for it to bind themselves in their contracts to use manual labor and horsepower in place of labor-saving devices wherever practicable. The officials of each of the counties of this State are requested to observe this policy.

MOORE,
HARDIN.

The resolution was read.

On motion of Senator Purl, the resolution was referred to the Committee on State Affairs.

Point of Order.

Senator Purl raised the point of order that S. B. No. 26 did not come within the Governor's call.

The Senate voted that the bill did come within the Governor's call.

Motion to Reconsider.

Senator Hopkins moved to reconsider the vote by which S. C. R. No. 9 was adopted Saturday. The motion prevailed.

On motion of Senator Hopkins the resolution was referred to the Committee on State Affairs.

Executive Session Re-Set.

On motion of Senator Hornsby the executive session set for today was re-set for tomorrow at 11:55 o'clock a. m.

Point of Order.

Senator Purl raised the point of order that the trial of Hon. J. B. Price had been set for 2 p. m., today and at that time nothing else would be before the Senate.

The Chair, Lieutenant Governor, Edgar E. Witt, overruled the point of order, holding that the trial had been set for 10 o'clock a. m., today.

Motion to Re-Set Trial.

Senator Parrish moved that the Senate recommend to the court of impeachment to re-set the trial of Judge J. B. Price for the day immediately following sine die adjournment. The motion prevailed by the following vote:

Yeas—15.

Berkeley.	Neal.
Cunningham.	Oneal.
DeBerry.	Parrish.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Loy.	Williamson.
Moore.	

Nays—11.

Cousins.	Patton.
Gainer.	Russek.
Hardin.	Small.
Hopkins.	Woodruff.
Martin.	Woodul.
Parr.	

Absent.

Beck.	Woodward.
Thomason.	

Absent—Excused.

Pollard.	Stevenson.
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Court of Impeachment.

On motion of Senator Woodruff the Senate resolved itself into a court of impeachment to try Judge J. B. Price. (See Appendix.)

In Session.

The Senate was called to order at 12:56 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

Recess.

On motion of Senator Moore, the Senate, at 12:57 o'clock p. m., recessed until 2:30 o'clock p. m.,

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Conference Committee Report.

Senator Cunningham sent up the following Conference Committee report:

Committee Room,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.
Hon. Fred H. Minor, Speaker of the House.

Sirs: We, your Conference Committee on House Bill No. 7, have had same under consideration, and have adjusted the difference between the House and Senate, and recommend the passage of the hereto attached bill, which is made a part of this report.

Respectfully submitted,
CUNNINGHAM,
WOODWARD,
SMALL,
NEAL,
THOMASON.

On part of the Senate.
OLSEN,
MURPHY,
TURNER,
SPARKMAN,
WESTBROOK.

On part of the House.

A BILL**To Be Entitled**

An Act declaring it to be mandatory upon the Legislature of the State of Texas under the Constitution to enact laws to compel conservation, preservation and development of the soil and its fertility and to preserve the public interest, general welfare and happiness of the people; declaring soil and its fertility a natural resource; declaring certain public policies of the State in respect to the conservation, preservation and development of the soil; providing that for the purpose of preserving and conserving the soil, to prevent waste and erosion thereof and to more ef-

fectively prevent the spread of root rot and other diseases of plants and soil and to more effectively destroy insects and to aid in preventing insect damage and to preserve the interest of the public, the general welfare, peace and happiness of the people, and in order to carry out the public policies set out in said act, it is made unlawful for any person, association of persons, firm, corporation, or joint stock company, being the owner, lessee or occupant of any separately owned tract of land in this State or the agent of the owner, to plant, cultivate or harvest on said separately owned tract of land during the year 1932, any crop of cotton or other soil exhausting plants, excepting feed crops for man and domestic animals, or either, in excess of thirty (30%) per cent of the area of such tract of land which was in cultivation in planted crops during the year 1931, and in the same manner and to the same effect and for the same purpose, making it unlawful to plant such crops in 1933 in excess of thirty (30%) per cent of the area of such tract of land, which was in cultivation in planted crops during the year 1932; defining cultivated lands and affixing penalties for a violation of this act; defining separately owned tracts; prohibiting the planting, cultivation or harvesting of cotton and other soil exhausting plants, excepting feed crops for man and domestic animals, or either, from being planted, cultivated and harvested on the same land two years in succession, making it unlawful to plant said products in 1933 on the same lands upon which said crops were planted in 1932 and thereafter making it unlawful to plant said crop on the same land two years in succession; affixing penalties for violation of this Act; providing for injunctions in order to prevent a violation of this Act and to enforce the purposes and intents hereof; prescribing the procedure in respect thereto, giving the district courts jurisdiction thereof; defining the duties of the several county and district attorneys in respect thereto and further prescribing the duties of the At-

torney General in the event any county or district attorney fails or refuses to act, prescribing the duties of inspectors of the State Department of Agriculture, the county judge of the several counties in Texas and the Commissioner of Agriculture of the State of Texas, including State owned or operated farms, within the terms of this Act and exempting experimental farms maintained by State or Governmental agencies and all areas of land cultivated by or under the direction of State or Governmental agencies for experimental purposes or for developing or improving varieties of cotton or other farm plants from the provisions of this Act; requiring owners and agents to give information as to the number of acres in cultivation and the number of acres planted in crops during the year 1931 and each year thereafter; imposing certain duties upon the county assessor of taxes in addition to the requirements contained in Article 7204, Revised Civil Statutes of 1925, giving to the assessor of taxes authority to administer oaths, and affixing penalties for his failure or neglect to perform the duties herein required and making Chapter 278, Acts of the Regular Session of the Forty-second Legislature, relating to the Commissioner of Agriculture, gathering, compiling and disseminating statistical information as relate to farm areas, crop acreage, natural resources and the products thereof applicable hereto, insofar as the same are not inconsistent with any provision of this Act; repealing all laws or parts of laws in conflict herewith and providing if this Act or any part thereof be held invalid, it shall not affect the remaining portions, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby declared by the Legislature of the State of Texas that it is made mandatory upon the Legislature of the State of Texas under the Constitution of the State to enact laws to compel conservation, the preservation and development of the soil and the fertility thereof and to preserve the public interest and the general welfare and

happiness of the people and in the exercise of the duty to preserve and develop the natural resources of the State and promote the general welfare of the people, this Act is passed.

The Legislature declares:

A. The most valuable natural resource of the State is its soil and the fertility thereof adapted to the raising of cotton and other useful plants;

B. The growing of cotton in the State is an industry of first importance;

C. The preservation and restoration of the soil and the fertility of the soil is essential to the welfare of the people of the State;

D. The continuous use of land for the growing of cotton and other soil exhausting plants, without rotation of crops, or without intervals during which intervals cotton and/or other soil exhausting plants are not planted has, as to much of the land of the State, caused:

(1.) Serious deterioration of the soil and the fertility thereof;

(2.) Disastrous erosion of the land and loss of fertile soil;

(3.) The spread over wide areas of root rot and other soil and/or plant diseases;

(4.) The propagation of boll weevil, cotton flea and other harmful insects, and made their elimination or control difficult;

(5.) Deterioration of the quality and quantity of the cotton and other plants raised.

That like results will follow to the other cotton raising areas unless prevented by this legislation; that the deterioration of the soil, and of the fertility of the soil, and of the loss of the soil, the presence of soil and plant diseases and harmful insects, and the deterioration in the quality and a reduction in the quantity per acre of the cotton and other plants raised has resulted in lack of ability on the part of a very large percentage of the farmers of the State to meet the obligations due upon their homes, and/or to discharge the taxes due to the State and/or counties, and/or other political subdivisions, whereby the general welfare of the people is injuriously affected, and the efficiency of the State Government greatly impaired, and the business of farming has thereby become affected and impressed with a public use;

and now, therefore, in order to alleviate the evils now suffered and to prevent their further increase, the growing of cotton and other soil exhausting plants is hereby regulated.

Sec. 2. For the purpose of conserving, preserving and developing the fertility of the soil; to prevent waste of the soil; to prevent erosion of the soil; to more effectively prevent the spread of root rot and all other diseases of plants and soil; and to more effectively destroy insects and aid in preventing insect damage; and to preserve the interest of the public and the general welfare, peace and happiness of the people, and in order to carry out each and every other purpose set out in Section 1 of this Act, just as fully as if each of them were fully set out herein, it is hereby declared to be unlawful for any person, association of persons, firm, corporation or joint stock company, being the owner, or lessee, or occupant of any separately owned tract of land in the State, or the agent of the owner thereof or any person or persons interested therein to plant, or cultivate, or harvest on the said separately owned tract of land during the year 1932, or during said year 1932 cause to be planted, or cultivated or harvested thereon, or permit to be planted or cultivated or harvested thereon any crop of cotton, or other soil exhausting plants, excepting feed crops for man and domestic animals, or either, in excess of thirty per cent (30%) of the area of such separately owned tract of land which was in cultivation in planted crops during the crop year 1931, provided, however, lands upon which agricultural products are grown and which are not annually planted and/or cultivated, shall not be construed as cultivated lands within the meaning of this Act, provided further that nothing herein contained is intended to prevent the harvesting of crops lawfully planted under the provisions of this Act.

Sec. 3. For the purpose as set forth in Sections 1 and 2 hereof, it is hereby declared to be unlawful for any person, association of persons, firm, corporation, or joint stock company, being the owner, or lessee, or occupant of any separately owned tract of land in the State, or the agent of the owner thereof or any person or persons interested therein,

to plant, or cultivate, or harvest on the said separately owned tract of land during the year 1933 or during said year 1933, cause to be planted, or cultivated, or harvested thereon any crop of cotton, or other soil exhausting plants, excepting feed crops for man and domestic animals, or either, in excess of thirty per cent (30%) of the area of such separately owned tract of land which was in cultivation in planted crops during the crop year 1932, provided, however, lands upon which agricultural products are grown and which are not annually planted and/or cultivated, shall not be construed as cultivated lands within the meaning of this Act, provided further that nothing herein contained is intended to prevent the harvesting of crops lawfully planted under the provisions of this Act. Provided, however, that as to the year 1933, no person shall be denied the right to plant as great a total acreage of land to cotton and/or other soil exhausting plants except feed crops for man and domestic animals or either, as would have been permissible during the year 1932.

The words "separately owned tract" shall be held to include any single tract or two or more tracts of land in the same county in whole or in part owned in fee simple or by tenants in common or for life, or as lessee for a term of years or any other title including a right of possession and/or control, and a "separately owned tract," as herein defined, shall constitute the unit for determining the per cent of planting as authorized by this act.

Sec. 4. For the purpose set out in Section 1 of this act and to carry out the policies therein declared, it shall be unlawful for any person, association of persons, firm, corporation or joint stock company, being the owner, or lessee, or occupant of any separately owned tract of land in the State, or the agent of the owner thereof, or any person or persons interested therein, to plant, or cultivate, or harvest cotton or any other soil exhausting plants, excepting feed crops for man and domestic animals, or either, on any land in this State in 1933, for the purpose of raising cotton, or other soil exhausting plants, excepting feed crops for man and domestic animals, or

either, upon which said land cotton, or other soil exhausting plants were planted or grown during the year 1932; provided, however, that nothing herein contained is intended to prevent the harvesting of crops lawfully planted under the provisions of this act.

Sec. 5. For the purpose referred to in Sections 1 and 3 herein, it shall be unlawful for any person, association of persons, firm, corporation, or joint stock company, being the owner, or lessee, or occupant of any separately owned tract of land in the State, or the agent of the owner thereof, or any person or persons interested therein, to plant, or cultivate, or harvest cotton, or any other soil exhausting plants, excepting feed crops for man and domestic animals, or either, on any land in this State in 1934, upon which said land cotton or other soil exhausting plants, excepting feed crops for man and domestic animals, or either, were planted, cultivated or harvested during the year 1933, and thereafter no such soil exhausting plants, excepting feed crops for man and domestic animals, or either, shall be planted during any year for the purpose of producing the same, on the same land upon which cotton or other soil exhausting plants excepting feed crops for man and domestic animals, or either, were planted, or cultivated or harvested during the year immediately preceding and same shall not be planted or cultivated on the same land any two years in succession; provided, however, nothing herein contained is intended to prevent the harvesting of crops lawfully planted under the provisions of this Act.

Sec. 6. Every person, firm, corporation, or association of persons, or joint stock company, being the owner, or lessee, or occupant of any separately owned tract of land in the State, or agent of the owner thereof, or any person or persons interested therein, who shall plant, or cultivate or harvest, or permit to be planted, cultivated or harvested to cotton or any other soil exhausting plants any land in this State in violation of this Act, for each acre of land so planted, or cultivated, or harvested, or permitted to be planted, or cultivated, or harvested, in violation of this Act shall

become liable and forfeit to the State and pay into the Road and Bridge Fund of the County where the violation occurs a sum of not less than Twenty Five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars for each acre of land so planted, or cultivated, or harvested in violation of this Act, which may be recovered in the name of the State of Texas, in the District Court of any County in the State of Texas in which such violation or violations have occurred and venue is hereby given to such District Courts, and where a violation involves a county line farm the suit may be brought in any county in which any part of said farm is situated.

Sec. 7. Upon the sworn complaint of any citizen in this State that any part of this Act is being, has been or is threatened to be violated, or upon the request of the County Judge of any County in this State, or of the Commissioner of Agriculture of this State, it is hereby made the duty of the several County and District Attorneys of this State, to institute injunction proceedings in the proper courts in the county in which such violation or violations have occurred, as above specified, in the name of the State as Plaintiff, against the persons complained of as Defendants, to enforce the provisions of this Act, and collect the penalties provided for herein, and to prevent any violation thereof, and the said County and/or District Attorney instituting any suit under this Act shall pray for an injunction, and if it shall appear to the judge from the facts stated in the petition that the provisions of this Act have been violated and are being violated or that violation is threatened or about to take place, he shall indorse thereon or annex thereto his written order directing the clerk of the proper court to issue the Writ of Injunction prayed for, upon such terms and under such modifications, limitations and restrictions as may be specified in said order; and a hearing may be had in said injunction as provided by law, and in event said injunction is not dissolved by the trial court and appeal thereon is taken, the court shall not suspend the injunction on appeal except upon the execution of a good and sufficient bond

to be fixed and approved by the Court in a sum not less than double the minimum amount of the penalties sued for. In such suit or suits any number of defendants residing within the same county or involving a county line farm may be made parties thereto, and the joinder of more than one defendant in the same action shall not be cause to abate said action. All actions brought under this Act on motion of attorneys for the State shall have precedence of all other business, civil or criminal, except criminal cases where the defendants are in jail. The fees for representing the State in all proceedings under this Act shall be ten per cent (10%) of the amount collected for its violation, which fees shall be constructed as fees of office and shall be accountable as such. It is hereby made the duty of all the inspectors of the State Department of Agriculture, to assist in the enforcement of this Act by observing the acreage planted to cotton or other soil exhausting plants, excepting feed crops for man and domestic animals, or either, as compared to the total cultivated acreage and to report any and all violations of this Act to the proper enforcement officers, and to furnish testimony upon which to base suits.

It is specially provided that except as otherwise provided herein the General Statutes of Texas relating to injunctions, shall be applicable and except where said General Statutes are inconsistent with the provisions hereof this Act is cumulative.

Sec. 8. In the event the County and/or District Attorney fails and/or refuses to perform the duties as required by this Act, then, upon the request of the County Judge of any County or the Commissioner of Agriculture of the State of Texas, it shall be the duty of the Attorney General of Texas to carry out said provisions by the institution of said suits as provided herein.

Sec. 9. It is the intention of this Act that all farms owned and/or operated by the State of Texas, or any of its governmental agencies, shall be and are hereby declared to be subject to the provisions of this Act. Provided that all experimental farms maintained by State or Federal Governmental Agencies and all areas of land cultivated by

or under the direction of either State or Federal Governmental Agencies for experimental purposes or for developing or improving varieties of cotton or other farm plants operating under State or Governmental Agencies, shall be exempt from all the provisions of this bill.

Sec. 10. Each and every person upon the rendition of his or his principals' lands for taxes for the year 1932, shall state to the County Assessor of Taxes the total number of acres in cultivation in 1931, and also the number of acres thereof upon which cotton was grown on said land during the year 1931; and likewise and in the same manner, upon the rendition of his or his principals' lands for taxes for the year 1933, and each year thereafter, he shall state to the County Assessor of Taxes the total number of acres in cultivation during the years immediately preceding and also the number of acres thereof upon which cotton was grown on said land during the year immediately preceding. Each rendition so made shall, in addition to the requirements contained in Article 7204 of the Revised Civil Statutes of 1925, contain the questions and answers hereinabove required, all of which as now required by law, shall be sworn to by the person making the rendition.

The assessors of taxes are, in addition to the authority given them in Article 7184 of the Revised Statutes of 1925, to administer oaths, hereby authorized and empowered to administer all oaths necessary to procure the full and complete information as to cotton acreage provided for in this section.

And the assessor of taxes, for every failure or neglect to administer the oath or affirmation prescribed in this section to each person rendering a list of lands for taxes under this section, unless the person refuses to qualify, shall forfeit fifty (\$50.00) dollars to be deducted out of his commissions upon satisfactory information furnished the county judge; and for each failure or neglect to attest the oath subscribed to as provided in this section, shall forfeit the sum of fifty (\$50.00) dollars, upon satisfactory information furnished the county judge. The forfeitures imposed in this section shall be deducted from the assessor's

commissions on assessment for county taxes.

Sec. 11. As a further aid in the enforcement of this Act and for the purpose of obtaining information to enable the officers to more effectively enforce the provisions of this Act, it is declared that insofar as the requirements of Chapter 278, Acts of the Regular Session of the 42nd Legislature, entitled "An Act requiring the Commissioner of Agriculture, to gather, compile and disseminate statistical information relating to farm areas, crop acreage, natural resources and products thereof, etc.," is hereby made applicable hereto insofar as the same is not inconsistent with any provision of this act.

Sec. 12. Any and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 13. If any part of this Act shall be held to be invalid, or, if any sentence, section or subsection shall be held to be invalid, it is expressly declared by the Legislature that the remaining parts, sections or subsections, shall not in any manner be affected but the remaining portion of said Act and of each sentence, section or subsection shall be held to remain in full force and effect; and it is now declared by the Legislature that notwithstanding the invalidity, if any, of any part of this Act, or any section, or subsection, the Legislature would have enacted the remaining portions, regardless of the invalidity of any sentence, section or subsection or any other portion thereof.

Sec. 14. The importance of the subject matter herein contained; and the fact that the laws of Texas are inadequate to carry out the constitutional provisions for the preservation, development and conservation of the soil and the fertility thereof and to preserve the public interest and the general welfare and happiness of the people; the immediate necessity of enacting an adequate law to prevent deterioration, erosion and loss of fertility of the soil; and to prevent soil and plant diseases and the propagation and spread of harmful insect pests; and to maintain and increase the quality of cotton and other farm plants raised; the limited time in which the Legislature may act, creates an emergency and an imperative public necessity

that the constitutional rule which requires bills to be read on three several days be suspended and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is hereby so enacted.

Read and adopted by the following vote:

Yeas—20.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Loy.	Thomason.
Neal.	Williamson.
Oneal.	Woodward.

Nays—10.

Cousins.	Moore.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Woodruff.
Martin.	Woodul.

Absent.

Stevenson.

Reason For Vote.

Mr. President: I vote "no" on adoption of the Conference report on the cotton bill. In two particulars of vital consequence I object to the terms and provisions of the bill contained in the report, viz: (1) It contravenes the constitutional guarantees of a man's right to do with his own as he chooses. (2) The bill is unenforcable.

WOODRUFF.

Reason For Vote.

I vote yea on Free Conference Committee report, or the 30 per cent cotton acreage bill. Not because I personally think it is the best bill we could pass, but after several weeks laboring on this important subject it seems to be the best we can get. I am afraid this bill will not afford the relief the farmers want but I do know they want something therefore I vote yea. As a fundamental principle of government, I am personally opposed to this and all other such legislation.

LOY.

Message From the Governor.

Executive Office,
Austin, Texas, Sept. 21, 1931.
To the Members of the Forty-second
Legislature:

Pursuant to resolutions passed by the Senate and House of Representatives, in which you request the submission of salary reductions, I am submitting herewith bills which in effect reduce all salaries of State employees with the exception of those fixed by the Constitution and those salaries that are less than One Hundred and Thirty-four Dollars (\$134.00) per month.

I feel that it is absolutely necessary to reduce the expenses of operation of the State Government and if the expenses are not reduced, it will become necessary to fix the ad valorem tax at the constitutional limit.

Therefore, I request that you give these measures your prompt and careful consideration.

Respectfully submitted,
R. S. STERLING,
Governor.

S. C. R. No. 11.

Senator Greer sent up the following resolution:

Whereas, The McFarlin interests have offered to donate to the State of Texas, the McFarlin farm located near Rosser in Kaufman County, consisting of four thousand seven hundred and sixty acres (4760) for any purpose and use to which the State might wish to put it at some future time, and;

Whereas, The said McFarlin farm has cost in improvements nearly one million (\$1,000,000.00) dollars, and;

Whereas, The said McFarlin farm has been noted as the most famous and best equipped hog farm in the entire Southwest; therefore

Be It Resolved, That the Lieutenant Governor of the Senate of Texas, be authorized to appoint a committee of three and the Speaker of the House, a committee of four members of the House to confer with the President of the A. & M. College and the Board of Control, to determine whether or not this farm could be taken over by the State of Texas for any purpose for which the State might use same, and whether or not the amount of indebtedness against

the land and the levy indebtedness thereon would be greater than its value to the State, or whatever purpose it might be used.

GREER,
GAINER.

Read and adopted.

Simple Resolution No. 17.

Senator Purl sent up the following resolution:

Resolved, That in order to prevent an increase in the ad valorem tax rate and to absorb and remove the existing deficit in the general revenue fund of this State, the Governor is requested to submit to the present Legislature the subject of amending Article 771 of the Revised Civil Statutes, known as the Gross Production Tax Law, so as to provide that such Gross Production Tax shall in no event be less than 2c per barrel; as such a law would not materially increase the amount of Gross Production Tax paid by oil producers in this State above the amount paid for years past, but would prevent a large reduction in those taxes by placing the Gross Production Tax on oil on the same basis as the Gross Production Tax on sulphur.

PURL.

The resolution was read.

Senator Loy sent up the following amendment:

Amend Resolution by adding the submission of a bill levying a 2 cent tax per 1000 cubic feet on gas pipe lines, shipping natural gas out of the State.

LOY.

The amendment was read and lost.

The roll call showed no quorum present. Senator Purl raised the point of order that a quorum was lacking.

On motion of Senator Purl, a call of the Senate was ordered to obtain and maintain a quorum until the resolution was disposed of.

The resolution was lost by the following vote:

Yeas—12.

Beck.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Purl.
Hornsby.	Woodruff.
Loy.	Woodward.

Nays—15.

Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Rawlings.
Holbrook.	Small.
Hopkins.	Thomason.
Martin.	Williamson.
Oneal.	Woodul.
Parr.	

Absent.

Hardin.	Russek.
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Absent—Excused.

Pollard.	Stevenson.
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S. C. R. No. 12.

Senator Williamson sent up the following resolution:

Whereas, the Second Called Session of the 42nd Legislature has completed the work for which it was primarily called, and

Whereas, in the interest of much needed economy in state affairs at this time, it is expedient that the Legislature adjourn as soon as possible, now, therefore

Be It Resolved by the Senate of Texas, the House of Representatives concurring, that the Second Called Session of the Legislature do adjourn sine die at 2:30 p. m., Tuesday Sept. 22, 1931.

WILLIAMSON.

The resolution was read.

Senator Woodruff moved to lay the resolution on the table subject to call. The motion prevailed by the following vote:

Yeas—14.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hornsby.	Woodruff.
Loy.	Woodward.

Nays—12.

Cousins.	Patton.
Greer.	Rawlings.
Holbrook.	Small.
Hopkins.	Thomason.
Martin.	Williamson.
Parr.	Woodul.

Absent.

Hardin.	Russek.
Oneal.	

Absent—Excused.

Pollard.
Stevenson.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 44, A bill to be entitled "An Act to amend Chapter 47 of the Acts of the First Called Session of the Forty-first Legislature, as amended by Chapter 140 of the Acts of the Regular Session of the Forty-second Legislature, so as to provide that neither said act nor said act so amended shall apply to nor affect any county in this State which is subject to the provisions of Chapter 82 of the General and Special Laws of the Regular Session of the Fortieth Legislature, being Senate bill No. 375 of said Session, published on page 124 of said laws, and to validate all consolidations of school districts and other acts of the county board of school trustees of all counties subject to the provisions of said Chapter 82, heretofore consummated or performed; and declaring an emergency."

H. B. No. 50, A bill to be entitled "An Act to amend Section 28, Chapter 16, of the General Laws passed by the Thirty-ninth Legislature, at its First Called Session, by adding thereto two new sections, known as Section 16-A and Section 16-B; providing that where any road district includes within its limits portions of a previously created road district, subdivision or precinct, having road bond debts outstanding, the newly created road district may issue bonds for the purchase of roads within the previously created district, subdivision or precinct; providing that such bonds shall be authorized and issued in the form and manner prescribed by general law; providing that nothing in this act shall affect or impair any bond debts of previously created road districts, subdivisions or precincts, portions of which may be included within the subsequently created road district, but that such indebtedness shall remain chargeable against the territory

voting the same; providing that where a two-thirds majority of the qualified taxpayers and voters of any road district embracing portions of any previously created road district subdivision or precinct heretofore created, voting on the proposition, have voted in favor of the issuance of bonds for the purchase of roads within the road district, subdivision or precinct, portions of which were and are included within the new district, and also, voting on the proposition of the further construction of roads within the new district and the levy of taxes therefor, and such bonds have been approved by the Attorney General and registered by the State Comptroller, each such election and all acts and proceedings in connection therewith by the commissioners' court, and all such bonds and taxes, are validated and declared to be the legal and binding obligations of such districts, according to their terms; etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on H. B. No. 7 by a vote of 80 yeas and 32 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to engross by a vote of 46 yeas and 57 nays:

H. B. No. 29, A bill to be entitled "An Act requiring that all ginner, cotton yard operators, and public warehousemen, as defined by the laws of this State, shall upon the request of the owners of any cotton held or possessed by such ginner, cotton yard operators or public warehousemen, draw samples of said cotton and send same to the State Department of Agriculture for classification; authorizing the Commis-

sioner of Agriculture to employ public cotton classers licensed as required by law; authorizing the Commissioner of Agriculture to issue certificates showing grade and staple of samples of cotton and to prescribe such forms of reports and records and to do such other things as he may deem proper for carrying out the purposes of this law; providing for cooperation with the United States Department of Agriculture and the A. and M. College; appropriating fifty thousand and no-100 (\$50,000) dollars; providing penalties, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 54, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, Acts of the First Called Session, Thirtieth Legislature, page 464, relating to ascertaining tax rate, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 9.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Burns of McCulloch:

H. B. No. 9, A bill to be entitled "An Act amending Chapter 367, Section 4, of the General Laws of the Regular Session of the Forty-second Legislature of Texas, by changing the time for holding district court in the counties of McCulloch, Brown and Coleman, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.
Read second time.

Senator Woodward received unanimous consent to amend the bill by adding the emergency clause and to amend the caption by adding "and declaring an emergency."

The bill was passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 9 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard. Stevenson.

Read third time and finally passed.

Sine Die Resolution.

Senator Small called up from the table S. C. R. No. 12.

Senator Purl raised the point of order that 24 hours' notice was required before the resolution could be called up.

The Chair, Lieutenant Governor, Edgar E. Witt, overruled the point of order.

Senator Purl raised the point of order that it was out of order to call this resolution from the table because the regular calendar was pending.

The Chair, Lieutenant Governor, Edgar E. Witt, overruled the point of order, holding that the conclusion of the morning call had never been announced; therefore, the Senate was still on bills and resolutions.

Senator Small sent up the following amendment:

Amend Resolution by striking out the words and figures "Tuesday, September 22nd," and substitute "Wednesday, September 23rd."

The amendment was read.

Recess.

Senator Hornsby moved to recess until 9:30 o'clock tomorrow morning.

Senator Woodul moved as a substitute to recess until 10:30 o'clock tomorrow morning.

The substitute motion prevailed and at 5:07 o'clock p. m., the Senate recessed.

APPENDIX.

Petitions and Memorials.

State Highway Department,
Austin, Texas, Sept. 21, 1931.
Hon. Bob Barker, Secretary, Texas
Senate,
Austin, Texas.
Dear Sir:

We have your Senate Resolution No. 15 and you are respectfully advised that the balance to the credit of the State Highway Fund as of August 31, 1931 was \$13,722,936.46.

Respectfully submitted,
W. R. ELY,

Chairman State Highway Commission.

The Senate of the State of Texas,
Austin, Sept. 21, 1931.
Senator W. A. Williamson, Senate
Chamber, Capitol.

Dear Senator Williamson:

Replying to your inquiry with respect to the liabilities outstanding against the \$13,000,000.00 cash balance now in the hands of this department, permit me to say that we will have contracts outstanding after this letting of \$23,000,000.00 in round numbers. This does not include the maintenance obligation of the department, which will aggregate approximately \$6,000,000.00 from now until April 1st, 1932, with an expected additional outlay of not less than \$2,000,000.00 for necessary betterment and reconstruction work. I am unable to give you off-hand the amount of overhead and equipment replacing expenditure, but the probable amount will not exceed \$1,000,000.00.

Trusting this will answer your inquiry to your entire satisfaction, I remain,

Yours very truly,
W. R. ELY,

Chairman State Highway Department.

Comptroller of Public Accounts,
State of Texas,
Austin, Sept. 21, 1931.
Honorable Edgar E. Witt, President
of the Senate,
Capitol.

Dear Sir:

Pursuant to Senate Resolution No. 15 attached hereto you will find certificate showing the net cash deficit in the General Revenue Fund as shown by the records of this department on August 31, 1931.

Yours very truly,

GEORGE SHEPPARD,

State Comptroller of Public Accounts.

The State of Texas,
Comptroller's Department.

I, Geo. H. Sheppard, Comptroller of Public Accounts of the State of Texas, do hereby certify that the records of this department show that the net cash deficit of the General Revenue Fund on August 31, 1931 was in the amount of \$2,648,309.80.

In Testimony Whereof, I hereunto sign my name officially and cause my official seal to be impressed hereon, at my office, in the City of Austin, Texas, this the 21st day of September, A. D. 1931.

(Seal.)

GEORGE SHEPPARD,

State Comptroller of Public Accounts.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 22, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 6, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on

Educational Affairs, to whom was referred

H. B. No. 47, A bill to be entitled "An Act ratifying and validating the Edcouch-Elsa Independent School District, ratifying and validating the proceedings of the Board of County School Trustees of Hidalgo County in annexing territory thereto, ratifying and validating the proceedings of the Board of School Trustees of Hidalgo County in detaching territory therefrom, ratifying and validating the petitions of voters residing in territory annexed and detached, and actions thereon by the Board of Trustees of Edcouch-Elsa Independent School District, by the Board of Trustees of Common School District No. 2, Hidalgo County, and also by the Board of County School Trustees of Hidalgo County annexing territory, being a portion of Common School District No. 2, Hidalgo County, and detaching territory from Edcouch-Elsa Independent School District, defining and describing Edcouch-Elsa Independent School District after such annexation and detachment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 9, A bill to be entitled "An Act amending Chapter 367 Section 4 of the General Laws of the Regular Session of the Forty-second Legislature of Texas, by changing the time for holding District Court in the Counties of McCulloch, Brown and Coleman and providing for the time of the taking effect of this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, Sept. 21, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 26, A bill to be entitled "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 8400 and not more than 8600 population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Sept. 20, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

S. C. R. No. 4,
Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment and be not printed.

GREER, Chairman.

Amend the resolution by adding:
Provided, however, that cancellation of war debts be contingent upon proper limitations of the armaments of the world.

WOODUL.

The Senate As a Court of Impeachment.

Proceedings.

Monday, Sept. 21, 1931,
Senate Chamber, Austin, Texas.
Pursuant to recess the Senate resolved itself into a high court of Impeachment at 12:05 o'clock p. m.
Honorable Edgar Witt, President of the Senate, presiding.

The Chair: There are three members of the Senate that have not been sworn in. Senators Greer, Rawlings and Russek. If these Senators that

I have named will please rise, so that they may be sworn.

(Thereupon Senator Rawlings, Senator Greer and Senator Russek presented themselves at the Bar of the Senate and the following oath was administered to them by the Chair.)

"Do you, and each of you, solemnly swear that you will impartially try J. B. Price, Judge of the 21st Judicial District of Texas, upon the impeachment charges submitted to you by the House of Representatives and a true verdict render according to the law and the evidence. So help you God."

The Chair would like to know if the respondent and his attorneys are present.

Mr. Barker: (Secretary of the Senate) They are in the back of the Senate Chamber.

The Chair: Are the Board of Managers of the House, or any member of the Board of Managers of the House present? I think it would be proper to have some member of the Board of Managers present.

Senator Rawlings: Do you not think that it would be proper to have the respondent present?

The Chair: I just asked if he was present, and I understand that he and his attorneys are present seated in the rear of the Senate, and I want the reporter to record the fact that the respondent and his attorneys are present.

(The respondent, J. B. Price, Judge of the 21st Judicial District of Texas and his attorneys were seated in the rear of the Senate Chamber when the above proceedings were had.)

Senator Moore: Would the Chair, or someone else,—Senator Hopkins, representing the Senate, advise the Board of Managers about this proceeding?

Senator Hopkins: Just let this be said. I am not undertaking, as it seems to be the thought here today, to advise the Senate what to do, or to attempt to manage these proceedings. It just so happens that I was appointed as a member of a sub-committee consisting of three, to make arrangements, and I have attempted so to do, but I am not advising this Senate what to do or how to do it or when to do it.

Senator Parrish: I move that the

High Court of Impeachment do now recess until the first day following the sine die adjournment of this Session of the Legislature,—10:00 o'clock a. m., on the following day.

The Chair: The Senator from Lubbock moves that the High Court of Impeachment do now recess until the first day following the sine die adjournment of this Session of the Legislature, at 10:00 o'clock on the following day. Any discussion or motion?

Senator Hopkins: Mr. President.

The Chair: The Senator from Gonzales.

Senator Hopkins: Mr. President, for the sake of the record, let it be said that I here and now, as a member of the Senate from the 19th Senatorial District of Texas, object to such proceeding for the following reason:

First, that such procedure does not set a date certain for respondent to answer; there being no definite date or hour attempted to be set under the motion. I want to make myself clear, and I am not attempting to criticise the Senate, but I want to make myself clear for the sake of the record. This motion that has been made does not set out a day certain upon which this respondent should answer for the reason that the day of adjournment is uncertain, and there is no way to determine at this time when this respondent is supposed to answer. It is not a postponement set for a definite time certain. For the further reason that I believe a proceeding of this sort should be conducted in a very solemn manner insofar as circumstances will allow. I object for the further reason, that it is not right to bring back those who are employed to report these proceedings from day to day at an expense to the State, and I think it should not be done. I also think it is very improper to bring this respondent back here from day to day; it is not fair to the rights that the man is entitled to under the terms of the law. I think that this Senate should set this case for a date certain, but the way the motion is made, I do not think it is proper practice nor is it proper procedure, and I object, Mr. President, merely for the purpose of stating my own personal position into the record, and not a

reflection upon this Senate, nor any member of the Senate, because it has a right to do as it sees fit.

Senator Martin: Will you permit me to join you in that objection?

Senator Hopkins: Yes.

Senator Martin: Let the records show that I joined Senator Hopkins in the objection that he made.

Senator Purl: The Senate of Texas has a very unpleasant task before it, and every member of this body, I know, realizes the responsibility. We have to face this proposition, and if anybody wants to get technical about this proposition, this Senate is going to take that issue, and they are going to discharge their duty, but if anybody wants to raise some technicality about the Senate not setting a date certain, why, those technicalities can be followed thru from one day to another. We can go from one day to another and bring the respondent back each day, and then set it for the next day, and so on and so on and so on. No man in this Senate, and no man in the State of Texas, and no man in this world is going to dictate to me, but I shall, to the best of my ability attempt to help conduct a fair and impartial trial. I believe that the attorneys representing the respondent would be glad to waive such little technicalities as might come up, such as not being on the floor when the motion was made, I believe that they would be very glad to acknowledge that the respondent was present in the Senate Chamber, and that such a motion was made, but if they do not, then we can re-set this trial from day to day and so on down the line. We can call this court back into session again tomorrow, there is nothing to prohibit us from doing that in the Constitution, and we can compel the Judge to come before the bar every morning at nine o'clock, and then we can postpone it until the next morning at nine o'clock. In fairness and common sense this Senate ought not to be interrupted in their legislative duties. Now the Governor of this State called this Senate down here, and called it for no other reason than to consider the impeachment charges, then a little later on he called the Legislature in Session at an earlier date for another purpose. Now, it was said in here this morn-

ing that we could go into this case and consider it seriously and also attend to our legislative duties. Now there are 21 members of this Senate that are on the Finance Committee, and that will have to attend to those duties, and those 21 members ought to be here in the Senate listening to the testimony. Now, with reference to not setting a day certain; there is something in that. The Senator said that we have attempted to try the Judge without setting a day certain. Now, that point of order should perhaps be sustained. I suggest that if the attorneys for respondent come before the Senate and say, without any argument, that they would be willing to waive these mere technicalities, why, it would be all right, but if they want to stand on their Constitutional rights and do not want to waive them, then this Senate will have to meet from day to day.

Senator Hopkins: Let it be said, that I attempted to make clear that all I had to say was for myself alone, and for no one else. I feel sure that this respondent nor his attorneys will take any advantage of any technicalities whatsoever.

The Chair: Mr. Lockhart, a member of the Board of Managers of the House of Representatives, and Judge Batts, representing the respondent, are both in the Senate Chamber, and I would be glad to hear from them. I would be glad to hear from Judge Batts, the attorney for the respondent.

Judge Batts: Mr. Chairman, so far as respondent and his attorneys are concerned, they are not going to take any advantage of any technicalities, and will not raise any objections. We are disappointed that we cannot go into the trial of this case today, and, while, of course, we will be glad to have some expression as to when the trial really will proceed, I want to make the statement again that we will not take advantage of any technicalities whatsoever. Of course, I do not waive those things that are fundamental and which we desire to present in the way of demurrers, but outside of that we are not going to depend on

anything that is technical, we will adjust ourselves to the convenience and pleasure of the Senate. I shall be very glad to make any further statement anybody desires, but that it all I have to say. If there is any possible way to indicate to us when you will take up this matter, we will be very glad to receive the information.

The Chair: Mr. Lockhart, do you want to say anything?

Mr. Lockhart: The Board of Managers for the House desire to say that they are ready to proceed at any time, to suit the convenience of the Senate; however, personally, it would suit our convenience to set the case immediately after the adjournment of the Legislature.

The Chair: The question is on the motion from the Senator from Lubbock. Those in favor of the motion will say "aye"—those opposed "no." The Secretary will call the roll.

Thereupon the Secretary called the roll.

Yeas—18.

Berkeley.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Hardin.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Loy.	Thomason.
Moore.	Williamson.

Nays—6.

Hopkins.	Russek.
Martin.	Woodruff.
Patton.	Woodul.

The Chair: There being 18 "yeas" and six "nays," the motion prevails. There is no further business before this Court, and the Senator from Lubbock moves that the court do now rise and recess until the day following the sine die adjournment of this Session of the Legislature, at 10 o'clock a. m., of the morning of that day.

(Thereupon at 1 o'clock p. m., the High Court of Impeachment recessed.)

In Memory
of
Judge Hayne Nelms

SIMPLE RESOLUTION NO. 18.

Senator Patton sent up the following resolution:

WHEREAS, On the twenty-fifth day of August, 1931, The Almighty in His infinite wisdom called to his eternal reward Judge Hayne Nelms of Groveton; and

WHEREAS, Judge Nelms served well and faithfully his State in various positions of trust, having been a member of the Twenty-eighth and Twenty-ninth Legislatures; a delegate from the State of Texas to the Southern Parliament at Washington, D. C., by appointment of Governor S. W. T. Lanham; vice Chairman of the State Democratic Convention which nominated Governor Campbell, and he declined Governor Campbell's appointment as District Attorney and District Judge. He stood high in his profession as a lawyer, and his business and professional relations brought him in contact with a large number of the most important interests of Southeast Texas. Judge Nelms was a finished orator and was in much demand for addresses at school and college commencements and on other occasions; and

WHEREAS, In the passing of Judge Nelms his family, the community in which he lived and the State as a whole has suffered a grievous loss; now, therefore, be it

RESOLVED, by the Senate of Texas, That a page in the Journal be set apart for the record of this resolution, and that the Secretary of the Senate be instructed to send an enrolled copy of this resolution to the bereaved family.

PATTON,
THOMASON,
NEAL,
COUSINS.

Read and adopted unanimously by a rising vote.